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SUBJECT: MAJOR ENVIRONMENTAL LAWS, POLICIES, AND REGULATORY
SYSTEMS IN KOREA

Summary

11. Korea has made significant progress in addressing the need for environmental protection since the early 1990's. In preparation for upcoming trade negotiations, this report provides background information on Korea's environmental laws, policies and regulatory systems, and provides indicators regarding the impact of these government measures. The report covers the following topics:

- Major Environmental Legislation;
- Environmental Policies and Regulatory Systems;
- Nature and Ecosystem Conservation;
- Air Quality Management;
- Water Quality Management;
- Waste Management and Recycling;
- Public Health Protection and Toxic Chemicals Control
- Key Environmental Performance Indicators; and
- Korea's Participation in International Environmental Conventions.

End summary.

Major Environmental Legislation

12. Most of the major environment-related laws currently in effect have been adopted since the early 1990s. They have been frequently amended over the past decade, in response to newly arising domestic and international environmental issues.

13. Currently, the Republic of Korea (ROK) has 38 principal environmental statutes in effect, and more than 80 draft bills on environmental issues are pending at the National Assembly for approval as of year-end 2005. The vast majority of the latter are draft amendments to existing laws designed to cope with domestic environmental issues. Major environmental acts in force are listed below:

- Environmental Policy Framework Act of 1990
- Natural Environment Conservation Act of 1991
- Water Quality Conservation Act of 1990
- Clean Air Conservation Act of 1990
- Wastes Control Act of 1986
- Noise and Vibration Control Act of 1990
- Toxic Chemicals Control Act of 1990

- Control of Transboundary Movement of Hazardous Waste and Their Disposal Act of 1992
- Natural Park Act of 1980
- Sewerage Act of 1966
- Environmental Dispute Adjustment Act of 1990
- Drinking Water Management Act of 1995
- Soil Environment Conservation Act of 1995
- Environmental Impact Assessment (EIA) Act of 1999
- Wetland Conservation Act of 1999
- Foul Odor Prevention Act of 2004
- Wildlife Protection Act of 2004
- Antarctic Activities and Environmental Protection Act of 2004
- Special Act on Metropolitan Air Quality Improvement of 2003
- Indoor Air Quality Management Act of 2003
- Environmental Improvement Expenses Liability Act of 1991
- Disposal of Sewage, Excreta & Livestock Wastewater Act of 1991
- Promotion of Saving and Recycling of Resources Act of 1992
- Promotion of Construction Waste Recycling Act of 2003

¶4. Since becoming a member of the OECD in 1996, the ROKG has adopted new legislation or revised existing statutes in order to bring Korea up to OECD-level standards. Several of the bills pending before the National Assembly or under preparation have been crafted by the ROKG to create the legal basis for implementation of multilateral environmental treaties or agreements. They include a draft bill on Dioxin and Persistent Organic Pollutants (POPs). A draft bill revising the Marine Pollution Prevention Act to address marine pollution from both ships and land-based sources is under review at the Ministry of Legislature.

Environmental Policies & Regulatory Systems

¶5. As outlined in the 1997 OECD report on the "Environmental Performance of Korea," Korea has worked to address environmental problems neglected in the early decades of its remarkable economic development. Implementation of environmental policies is proceeding progressively. Pollution abatement and control expenditures have been holding steady at 1.5 percent of Korea's GDP. The country is being equipped with environmental infrastructure, and both regulatory and economic instruments are in use. Local government plays an increasing role in implementing environmental policies as envisioned in the "Local Agenda 21" program.

¶6. The Green Vision 21 Program (1995-2005) recognized the considerable efforts needed to rehabilitate Korea's environment, and provided an ambitious schedule for reinforced environmental protection in an expected context of high economic growth and pressures on the environment.

¶7. Korea's regulatory system is characterized by a combination of generally-applicable rules and a "place-based" approach where necessitated by intense development pressures or a vulnerable environment. The main instruments are emission/discharge permits, ambient environmental standards, and the designation of zones where special conditions apply. A formal enforcement program is in place, with inspections, fines and indictments. A number of standards and limits have been tightened gradually over recent years.

¶8. The ROKG has been creative in adding an array of economic instruments to its set of regulatory instruments. These include: emission charges; environmental quality improvement charges; traffic congestion charges; energy taxes; a deposit-refund system, which was recently changed into the Extended Producer Responsibility (EPR) system; and a waste management charge.

¶9. Korea has a tradition of strong central government. Local government, however, spends 83 percent of overall public environmental expenditures (including pollution

abatement and control expenditures), and recently greater environmental decision-making power has been delegated to the local level. This process is not yet functioning as well as it should; local governments need to build up expertise in implementing and enforcing environmental protection measures to tackle, for example, compliance problems involving smaller factories and enterprises.

¶10. Korean industry has benefited from the government's export-oriented policies, including relatively lenient environmental constraints, which are now gradually being tightened. The more progressive exporting industries are adopting environmental management systems and applying them to their subsidiaries worldwide.

¶11. The two main strategic environmental policy documents, the "Presidential Vision for Environmental Welfare" and "Green Korea 2004," the annual publication of the Korean Ministry of Environment (MOE), provide clear and ambitious perspectives on a number of environmental objectives. Main elements of environmental policies and regulatory systems envisioned in the documents follow:

Nature Conservation

¶12. Historically, the environmental statutes and regulatory systems in Korea have focused primarily on water pollution, air pollution, and waste management. A turning point away from that traditional approach was the passage of two important laws in early 1990s. One was the Nature Environment Conservation Act (1991) and the other the Environmental Impact Assessment (EIA) Act, passed in 1993 and amended in 1997. As recommended by the OECD, Korea has been implementing a mandatory EIA process for the nation's major development projects in an effort to balance the interests of development and environmental protection.

¶13. A key ROKG conservation initiative aims at the creation of an eco-network on the Korean Peninsula, conserving the

notably biodiverse ecosystems of the Demilitarized Zone (DMZ), the Baekdu mountain chain (down the spine of South Korea), and various small islands and coastal regions. Korea aims to conserve areas with outstanding ecosystems and high biodiversity through designations of ecosystem conservation areas, wetland protection areas, and specially-designated islands. Currently, there are 22 ecosystem conservation areas, 14 wetland protection areas, and 20 national parks.

¶14. A Master Plan for Biological Resources Conservation is being established by MOE to strengthen wildlife protection measures. It will include surveys of indigenous species and controls on their export. The Wildlife Protection Act, passed in 2004, takes effect in February 2005.

Air Quality Management

¶15. Korea has been actively enforcing legally-binding emission standards on six major air pollutants, including carbon dioxide, sulfur dioxide, nitrogen oxide, ozone, and particulate matter, in industrial complexes throughout the country. The Special Act on Metropolitan Air Quality Management (passed in December 2003, and effective as of January 1, 2005) stipulates stricter emission standards. It calls for the introduction of a "total air pollution load management system," an emissions trading system, and tighter vehicle emission controls.

¶16. Since February 2002, Korea has required the installation of the telemonitoring system (TMS) on smokestacks with high discharge volumes, and imposes charges on those which exceed emission standards. As of January 2004, TMS has been installed in 1,841 stacks at 317 industrial sites.

¶17. To reduce pollution from vehicle exhaust, the ROKG has set emission standards on newly-manufactured vehicles and in-

use vehicles. Starting in 2006, emission standards on newly-manufactured gasoline and natural gas vehicles will be strengthened to the level of ULEV (ultra low emission vehicle), and diesel vehicles to the level of EURO-4.

¶18. The ROKG promotes the use of natural gas vehicles (NGVs) to replace diesel-fueled buses. As of May 2004, 4,876 diesel vehicles had been replaced with NGVs and 20,000 diesel buses, which will account for 48 percent of the total diesel buses nationwide, are to be replaced with NGVs by ¶2007.

Water Quality Management

¶19. Korean government water management policies are focused on conserving the water resources of the nation's four major rivers - the Han, Nakdong, Geum, and Yeongsan Rivers, which are drinking water sources for more than 40 million out of Korea's total population of 48 million. Major policies include the "total water pollution load management system," riparian buffer zones, land purchases to prevent water pollution from non-point sources, and charges for water use.

¶20. In the field of industrial wastewater, the ROKG established the Sector-based Environmental Action plan in January 2004. Its contents include: allowable emission standards, an increase in the number of controlled water pollutants, introduction of testing and management of biotoxins, and improvements in monitoring systems.

¶21. In March 2004, Korea also introduced a scheme to manage water pollution from non-point sources, including livestock waste. This set of measures reflects MOE's growing focus on non-point source water pollution, shifting from point-source pollution, which is being largely contained through the increased use of sewage systems and water treatment facilities.

Waste Management & Recycling

¶22. Korea implemented a comprehensive waste management policy during the early 1990s, with ambitious targets for disposal and recycling. Generation of household waste has

substantially declined after the inception of the Volume-based Waste Fee System in 1995. The daily amount of waste generation per capita has been reduced from 1.3 Kg in 1994 to 1.03 Kg in 2004. In 2002, for the first time, the rate of recycling exceeded the rate of additions to landfills. Between 1997 and 2004, the recycling rate of household waste increased from 29.1 percent to 49.2 percent, while the rate of landfills decreased from 63.83 percent to 36.4 percent.

¶23. Generation of industrial waste is growing more rapidly than GDP. A growing number of incinerators are put into operation each year, and many more are planned, to confront an ever-increasing amount of hazardous waste. Transboundary movement of waste is now carefully checked, pursuant to the Control of Transboundary Movement of Hazardous Waste and Their Disposal Act, which was passed in 1992.

¶24. In 2003, Korea introduced the Extended Producer Responsibility (EPR) system, in place of the previous Deposit-Refund System. The EPR system, which holds producers responsible for meeting recycling targets, is being successfully implemented and applies to more than 15 products, including glass bottles, packing film, fluorescent light bulbs, electronics products like TVs, and computers.

Public Health Protection and Toxic Chemicals Control

¶25. Since Korea became an OECD member, the ROKG has introduced an advanced management system for chemical substances (as recommended by the OECD), including a risk assessment system and a chemicals accident response system.

¶26. In 1999, the ROKG implemented the Toxic Release

Inventory (TRI), a system that requires companies to report to the government the amount of chemicals released to the environment during the process of production or use, as well as the amount transferred to other places for the purpose of recycling or disposal. Over the years, the range of companies subject to the TRI system has been extended to 28 industries for companies with more than 50 employees. The number of chemical substances subject to the TRI report swelled to 240 in 2002, up from 80 in 1999.

¶27. Korea is participating in OECD programs related to chemical substances such as the Screening Information Data Set (SIDS) and the Chemical Product Policy (CPP), as well as in other international efforts, including the Strategic Approach to International Chemicals Management (SAICM) and the Intergovernmental Forum on Chemical Safety (IFCS).

Key Environmental Performance Indicators of Korea

¶28. Following are key environmental performance indicators for 2004, with data for 1997 for comparison:

Key Environmental Indicators	1997	2004
Air Quality:		
Level of Sulfur Dioxide (PPM, Seoul)	0.017	0.005
Level of Nitrogen Oxide (PPM, Seoul)	0.032	0.037
Water Quality: (percent of Level II Quality and Better)		
Water Quality	86	91
Han River Quality (BOD, PPM)	1.5	1.3
Water Supply and Sanitation:		
Water Supply Connection Rate	84.7 pct	90.1 pct
Sanitation Connection Rate	60.9 pct	81.4 pct
Waste Management:		
Per Capita Generation	1.05 Kg	1.03 kg
Household Waste Management		
-- Landfill	63.8 pct	36.4 pct
-- Recycling	29.1 pct	49.2 pct
-- Incineration	7.1 pct	14.4 pct
Industrial Waste Management		
-- Recycling	63.8 pc	81.2 pct
-- Incineration, landfill, and others	36.2 pc	18.8 pct

Source: 2005 Environmental Annual Report to be published by MOE in January 2006

Participation in International Environmental Conventions

¶29. The ROKG is a member of the international environmental conventions listed below. They are grouped into six areas, including atmosphere and climate change, maritime affairs and fisheries, hazardous waste management, nature and species conservation, nuclear safety, and others. The first date for each refers to the date Korea signed, and the second refers to the date that the convention entered into force with regard to Korea.

A) Atmosphere/Climate Change

- United Nations Framework Convention on Climate Change (UNFCCC)
December 14, 1993; March 21, 1994
- Vienna Convention for the Protection of the Ozone Layer
February 27, 1992; May 27, 1992
- Montreal Protocol on Substances that Deplete the Ozone Layer
February 27, 1992; May 27, 1992
- The London Amendment to the Montreal Protocol
December 10, 1992; March 10, 1993
- The Copenhagen Amendment of the Montreal Protocol
December 2, 1994; March 2, 1995
- The Montreal Amendment to the Montreal Protocol
August 19, 1998; November 10, 1999

B) Maritime Affairs and Fisheries

- International Convention for the Regulation of Whaling (ICRW)
December 29, 1978; December 29, 1978
- International Convention for the Conservation of Atlantic Tunas (ICCAT)
August 28, 1970; August 28, 1970
- Convention of the Conservation of the Living Resources of the Southeast Atlantic
January 19, 1981; February 19, 1981
- Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)
March 28, 1985; Mar.28, 1985
- International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (as amended in 1962 and 1969)
July 31, 1978; October 31, 1978
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)
December 21, 1993; January 20, 1994
- International Convention on Civil Liability for Oil Pollution Damage (CLC)
December 18, 1978; March 18, 1979
- Protocol to the International Convention of Civil Liability for Oil Pollution Damage, 1969
December 8, 1992; March 8, 1993
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (Fund Convention)
December 8, 1992; March 8, 1993
- International Convention for the Prevention of Pollution from Ships, 1973 as Modified by the Protocol of 1978 relating thereto (MARPOL 73/78)
July 23, 1984; October 23, 1984
- Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries
December 21, 1993; December 21, 1993
- United Nations Convention on the Law of the Sea
January 29, 1996; February 28, 1996
- Agreement Relating to the Implementation of the Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982
January 29, 1996; July 28, 1996

C) Waste Management

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention)
February 28, 1994; May 29, 1994

D) Nature and Species Conservation

- Convention on International Trade in Endangered Species of Wild Fauna and Flora
July 9, 1993; October 7, 1993
- Convention on Biological Diversity (CBD)
October 3, 1994; January 1, 1995
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (as amended in 1982 and 1987) (RAMSAR)
March 28, 1997; July 28, 1997
- International Plant Protection Convention (IPPC)
December 8, 1953; December 8, 1953
- Plant Protection Agreement for the South East Asia and Pacific Region
November 4, 1981; November 4, 1981
- International Tropical Timber Agreement, 1983 (ITTA)
July 25, 1985; July 25, 1985
- International Tropical Timber Agreement 1994
September 12, 1995; January 1, 1997

E) Nuclear Safety

- Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Underwater
July 24, 1964; July 24, 1964
- Convention of the Physical Protection of Nuclear Material

- February 7, 1982; February 8, 1987
- Convention on Early Notification of a Nuclear Accident (Notification Convention)
June 8, 1990; July 9, 1990
 - Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Assistance Convention)
June 8, 1990; July 9, 1990
 - Convention on Nuclear Safety
September 19, 1995; October 24, 1996
 - Treaty on the Prohibition of the Emplacement of the Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof
June 25, 1987; June 25, 1987

F) Others

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- The Antarctic Treaty
November 28, 1986; November 28, 1986
 - Protocol to the Antarctic Treaty on Environmental Protection
January 2, 1996; January 14, 1998
 - United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and /or Desertification, Particularly in Africa
August 17, 1999; November 15, 1999
 - Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
September 14, 1988; December 14, 1988
 - Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies
October 31, 1967; October 31, 1967
 - Convention on the Prohibition of Military or Any other Hostile Use of Environmental Modification Techniques
December 2, 1986; December 2, 1986
 - Convention on the Prohibition of the Development, Production and Stockpiling of the Bacteriological (Biological) and Toxic Weapons, and on their Destruction
June 25, 1987; June 25, 1987

For Additional Information

130. The websites of the Ministry of Environment (MOE) and the Korea Environment Institute (KEI) have additional useful information. There is a comprehensive study of the use of Environmental Impact Assessments in Korea on the KEI website, at www.kei.re.kr/04_publ/pdf/others/KEBP2004. A comprehensive description of the policies in the "Green Vision 21" is at the MOE English-language website, at <http://eng.me.go.kr>.

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